

Thursday, January 14, 2016

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

Hearings are advertised for 9:00 a.m. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

### **ROLL CALL:**

**PRESENT:** Jim Irving; Kenneth Topping; Eric Meyer; James Harrison; and Don Campbell

**ABSENT:** None

### **PUBLIC COMMENT PERIOD**

- Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.

Don Campbell: opens Public Comment.

Eric Greening: speaks

### **COMMISSION BUSINESS**

- The purpose of a study session is to provide information to the Planning Commission. No deliberations will occur and no decisions will be made by the Planning Commission at a study session. Public comment at a study session is at the discretion of the Planning Commission.

Eric Meyer: thanks the 2015 Chairman, Ken Topping, for having successfully chaired the Planning Commission during 2015, and calls for nominations for the 2016 Chairman.

Jim Irving: nominates Don Campbell for Chairman.

Don Campbell: calls for nominations for Vice Chairman 2016.

Jim Irving: nominates Eric Meyer.

Thereafter on **Motion by:** Eric Meyer, **Second by:** Don Campbell, and on the following vote:

<b>COMISSIONERS:</b>	<b>AYES:</b>	<b>NOES:</b>	<b>ABSTAIN:</b>	<b>RECUSE:</b>
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission agrees to Don Campbell serving as the 2016 Chairman for the Planning Commission and Eric Meyer to serve as Vice Chairman to the Planning Commission.

### **PLANNING STAFF UPDATES**

3. This is the time set for Planning Staff updates.

Ellen Carroll, staff: provides Commissioners with their near term schedules and addresses Public Comment regarding Phillips 66 hearing logistics.

### **CONSENT AGENDA:**

4. December 10, 2015 draft Planning Commission minutes
5. A request for a fifth time extension by FALLINGSTAR HOMES, INC./NORTH COAST ENGINEERING for Vesting Tentative Tract Map 2451 to subdivide an existing 24 acre parcel into 16 lots ranging from one acre to six acres each for the purpose of sale and/or development, and to complete tract improvements and lot grading. The project will result in the disturbance of the entire 24 acre site. The proposed project is within the Residential Single-Family, Residential Multi-Family, Commercial Retail, and Commercial Service land use categories and is located on the north side of Highway 41, immediately east of Toby Way, in the community of Shandon. The site is in the Shandon-Carrizo Sub Area in the North County Planning Area. The Negative Declaration for this project was approved by the Planning Commission on January 9, 2003.

County File Number: S010201T

Assessor Parcel Numbers: 017-181-052, 017-181-055, 017-321-004

Supervisory District: 1

Date Accepted: N/A (originally accepted February 21, 2002)

Project Manager: Brandi Cummings

Recommendation: Approval

Approve the fifth time extension request for Vesting Tentative Tract Map 2451.

6. GENERAL PLAN CONFORMITY REPORT – the Planning Director has issued the following General Plan conformity report. This is a notice of a completed conformity report to the Planning Commission as required by Section B, Chapter 7 of Framework for Planning, Part 1 of the county Land Use Element, and is being provided for public information only. No action need be taken by the Planning Commission except to Receive and File the report. The decision to issue a General Plan conformity report is solely at the discretion of the Planning Director, although appeals of the Planning Director's determination may be made in accordance with the provisions of the Land Use Ordinance. (Recommend Receive and File).

Notice of determination of conformity with the County General Plan for a request by the COUNTY OF SAN LUIS OBISPO PARKS AND RECREATION DEPARTMENT to abandon a small portion of a previously accepted trail easement and trail staging area for the Juan Bautista De Anza National Historic trail between Santa Margarita and Garden Farms on a portion of APN 070-111-037. The parcel is located

in the Agriculture land use category in the Salinas River sub-area of the North County planning area. Assessor Parcel Number: 070-111-037. Supervisorial District: 5. County File Number: DTM2015-00007. Megan Martin, Project Manager.

Date Accepted: N/A

Project Manager: Megan Martin

Recommendation: Receive and file

Thereafter on **Motion by:** Don Campbell, **Second by:** Eric Meyer, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission approves Consent items 4, 5 and 6.

#### **HEARINGS: (Advertised for 9:00 a.m.)**

7. Continued hearing for a request for a hearing that was continued from December 10, 2015 to January 14, 2016 to consider a request by DR. HARVEY BILLIG for a Vesting Tentative Parcel Map and concurrent Conditional Use Permit to 1): subdivide an existing 4.9 acre parcel into two parcels of 1.46 acres and 3.44 acres; and 2) construct a 2 story 36,503 square feet (sf) assisted living facility (60 beds) on the 1.46 acres parcel, and a 2+ story 70,419 sf hospital (behavioral health – 91 beds) on the 3.44 acre parcel including site improvements for grading, parking, and landscaping and includes a common driveway and shared parking between the proposed buildings. The request includes a modification to the height standards for the proposed hospital to allow a height of 44 feet (to parapet wall facing Las Tablas) instead of 35 feet as provided by ordinance. The proposed project will result in the disturbance of approximately 3.5 acres and 22,230 cubic yards of cut and 17,260 cubic yards fill on a 4.9 acre parcel. The project is within the Office and Professional land use category, and is located on the south side of Las Tablas Road (directly opposite Twin Cities Hospital), approximately ¼ mile west of Bennett Rd in the community of Templeton, in the Salinas River Sub Area of the North County Planning Area. Also to be considered is the approval of the environmental document. CONTINUED FROM 12/10/15.

County File Number: SUB2013-00052

Supervisorial District: 1

Project Manager: Holly Phipps

Date Accepted: November 13, 2014

Project Manager: Holly Phipps

Recommendation: Approval

Assessor Parcel Number: 040-280-056

Date Accepted: November 13, 2014

Recommendation: Approval

Commissioners: disclose their Ex-parte contacts.

Don Campbell: opens Public Comment: Francene Johnson, Crystal Kidwell, Fred Russell, Kurt Kidwell, David LaRue (TAAG), Bill Pelfrey, Gwyen Pelfrey, Murry Powell, James Jones, Jill Bolster-White, Kay Kartsioukas, Diane O'Neil, Klaus Schumann, Jay Adams, Leslie Halls, Joel Derringer, Susan Warren, Bill O'Neil, Nicole Pasden, Kerri Rogers, Mary Jane McConville, Linda Gilbert, Roger Bowsky, Jena McCullach, Cindy Johnson, John Klimala, Mardi Geredes, Aurora William, Marguerite Bader, Jack Harmon, Heidi Harmon, Marie Brinkmeyer, John Richardson, Ann Fletcher, Fred Frank, Joseph Kurtzman, Lyle Grosjean, Mike Zaikowsky, Dugald Chisholm Jr. M.D., Jeannie Ledford, Dr. Rob Clayton, Clay Newman, Chief Deputy Ron Hastie (for Sheriff Parkinson), Kathy Barnett, Madeleine Johnson, Michael Gibbs, Joseph Johnson, Eric Greening, Greg Cordova, Susan LeVine, Robert Hartzell, Lucille Craig, Kevin Colton M.D., Laurie Colton, Bruce Baird, Heidi Bezaire, Shonnre Cross, Cecil Martinez, Martha Staib, Tom Comar, Lee Perkins, Sheree Sagely, Marcus Smith, Sherrie Medinger Fabricius, Stacy L. Henderson, Greg Ellison M.D., Gere Sibbach, Victoria Meredith, Deborah Rodriguez, Jerry Howe, Chris Parker-Kennedy, Tracy Dumont, Fred Munroe, Susan Armstrong, Susan Warren, Bill O'Neil, Charleen Von Gortler, Rev. Diane Rehfield, Karl Richard Hansen, Marcella Paric, and Dr. Jardini: speak.

Don Campbell: calls speakers who were not present at the last hearing should they like to speak at this hearing.

Melanie Billig and Will Farrer: speak.

Holly Phipps, Project Manager and Karen Nall: address Public Comment and Commissioner questions.

Glenn Marshall, Public Works: addresses fair share fee issue and cumulative development.

Whitney McDonald, County Counsel: cautions Commissioners from aspects of new development of pay for improvements over what the law requires.

Pamela Jardini, Agent: presents Power Point presentation.

Commissioners: begin questioning the agent.

Commissioners: further deliberate proposal in terms of emergency vehicle access road; turning radius; elevations; assisted living access; parking spot measurements; retention area basins in terms of flood plans.

Don Campbell: discloses ex-parte contact in terms of watching viewing the December 10, 2014 hearing.

Commissioners: begin deliberating proposal and provide their input and opinions of proposal. Thereafter on **Motion by:** Jim Irving, **Second by:** Ken Topping, and on the following vote:

<b>COMISSIONERS:</b>	<b>AYES:</b>	<b>NOES:</b>	<b>ABSTAIN:</b>	<b>RECUSE:</b>
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission adopts the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. and approves Vesting Tentative Parcel Map and Conditional Use Permit SUB2013-00052 based on the findings listed in Exhibits A and C and the Conditions listed in Exhibits B and D – changing Exhibit B CUP condition 1. B. to delete the words “from average”; changing Exhibit B, CUP condition 42. adding “....and California Red-Legged Frog”; changing Exhibit B, CUP condition 43. To add “....and California Red Legged frog; and/or the U.S. Fish and Wildlife Service; changing Exhibit B, CUP condition 43. A. to add “....and California red legged frog”; changing Exhibit B, CUP condition 43. c. to add “....and/or USFWS; and subject to the Findings listed in Exhibits A and C, changing Exhibit C, Parcel Map Findings, to add Finding J. to read: “J. In the interest of the public health and safety, and as a necessary pre-requisite to the orderly development of the surrounding area, the construction of any road improvements shall occur prior to recordation of the parcel map or, if bonded for, within the time frame approved in the Subdivision Agreement and prior to issuance of a permit or other grant of approval for development on a parcel”; adopted.

8. A request by JACOB & LAURA WIEBE & VERIZON WIRELESS for a Conditional Use Permit to allow for the construction of an unmanned wireless telecommunications facility consisting of two (2) GPS units, twelve (12) 6 foot tall panel antennas, twelve (12) RRHs, and four (4) ray caps to be concealed within a 40-foot tall artificial water tank, and installation of an electrical meter, prefabricated equipment shelter, standby generator, and an 8 foot tall perimeter fence in a 33 foot by 39 foot lease area. The project will result in the disturbance of approximately 1,316 square feet on a 14 acre parcel. The proposed project is within the Agriculture land use category and is located at 1250 W. Centre Street, on the south side of Centre Street, approximately 900 feet west of the community of Shandon. The site is in the Shandon-Carrizo Sub Area of the North County planning area. Also to be considered is the approval of the environmental document.

County File Number: DRC2014-00137

Assessor Parcel Number: 017-166-007

Supervisory District: 1

Date Accepted: August 17, 2015

Project Manager: Holly Phipps

Recommendation: Approval

Don Campbell: asks for ex-parte contacts with none being disclosed.

Holly Phipps, Project Manager: presents staff report via a Power Point presentation.

Tricia Knight, agent: is available for questions.

Eric Meyer: explains he is in support of this proposal especially since the site is farther from the set backs.

Thereafter on **Motion by:** Jim Irving, **Second by:** Eric Meyer and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			

Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission adopts the Mitigated Negative Declaration in accordance with the applicable provision of the California environmental Quality Act, Public Resources Code Section 21000 et seq. and approves Conditional Use Permit DRC2014-00137 based on the findings listed in Exhibit A and the conditions listed in Exhibit B; adopted.

9. A request by the SAN LUIS OBISPO COUNCIL OF GOVERNMENTS AND CITY OF SAN LUIS OBISPO for a Conditional Use Permit to allow the construction of a new community identification sign to read "San Luis Obispo" and an exception to Section 22.20.060(C)(2) to allow for a 326 square foot signage area. The monument sign will act as a gateway to the city. The sign will have a mission style design with stucco finish, clay tiles, decorative bell, and stone base. The monument will not exceed 24 feet in height from the lowest point on grade to the tallest point on sign structure. The project will result in approximately 250 square feet of site disturbance on a 0.64-acre parcel in the Public Facilities land use category. The project is located on the southern corner of the intersection of southbound State Highway 1 and Highland Drive, bordering the northern limits of the City of San Luis Obispo in the San Luis Obispo Sub-area (north) of the San Luis Obispo planning area. Also to be considered is the environmental determination issued for this project. A Class 3 Categorical Exemption was issued on November 16, 2015.

County File Number: DRC2014-00123  
 Supervisorial District: 5  
 Project Manager, Airlin M. Singewald  
 Assessor Parcel Number: 073-341-025  
 Supervisorial District: 5  
 Date Accepted: July 23, 2015  
 Recommendation: Continue to March 10, 2016  
 Project Manager: Airlin M. Singewald

Assessor Parcel Number: 073-341-025  
 Date Accepted: July 23, 2015  
 Recommendation: Approval

Airlin Singewald, Project Manager: explains continuation request.

Don Campbell: opens Public Comment.

Eric Greening: receives confirmation that this item is in District 5.

Eric Meyer: comments on the sidewalk and the location of such which was previously discussed by the Planning Commissioners.

Thereafter on **Motion by:** Eric Meyer, **Second by:** Ken Topping and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			

Meyer, Eric	x			
Topping, Ken	x			

The Commission continues this item to March 10, 2016.

- 10.** Continued hearing to consider a request by JANNECK, LIMITED (LAETITIA AGRICULTURAL CLUSTER) for a Tentative Tract Map and Conditional Use Permit to allow an agricultural cluster subdivision of twenty-one parcels (totaling 1,910 acres) into one hundred and two (102) residential lots and four (4) open space lots. The proposed project includes 101 1-acre residential lots plus one existing single-family residence, a ranch headquarters (includes a homeowner's association facility, recreation center, and community center), 25 acres of internal access roads, and a wastewater treatment plant. The ranch headquarters and wastewater treatment plant are proposed on the open space parcels. A proposed 7.7-acre dude ranch is not included in the Conditional Use Permit, but is included in the FEIR as a future development proposal. The proposed project is within the Agricultural and Rural Lands land use categories and is located approximately two miles south of the City of Arroyo Grande and two miles north of the community of Nipomo, on both the eastern and western sides of Highway 101. Also to be considered is a Final Environmental Impact Report. CONTINUED FROM 10/29/15. County File Number: SUB2003-00001 and DRC2003-00001 Assessor Parcel Number: 047-051-005; 048-121-006; 047-311-001, -007, -010, -011; 047-301-002, -003; 075-341-007 Date Accepted: February 5, 2004 Project Manager: Brian Pedrotti

Eric Meyer: provides reasoning why he will be stepping down and abstaining from the vote.

Commissioners: disclose their ex-parte contacts.

Brian Pedrotti, Project Manager: introduces Shauna Scott EIR consultant to project and Gordon Thrupp, Hydrologist. Presents staff report via a Power Point presentation. Explains the revised parcel map provided reflects changes in lots as per last hearing.

Laurie Donnelly, Cal Fire: comments on the secondary egress road in terms of legal requirements being met.

Ken Topping: receives confirmation from Cal Fire regarding exercises for evacuations west and east of the main gate.

Brian Pedrotti, Project Manager: displays the revised lot plan for reference to Commissioners questions.

Jim Irving: reports references to the dude ranch located on the new map should be removed with staff's concurrence.

Brian Pedrotti, Project Manager: goes through condition changes.

Jim Irving: would like clarification on Pg. 3 of 5 Attachment 1 in terms of the changes.

Glenn Marshall, Public Works: Suggests and reads into the record Condition 150 language in terms of payment (have applicant build it and the county would take over monitoring and maintenance of facility)". New Condition 3. d. read into the record regarding a 20 foot wide easement providing access to county personnel to the stream monitoring.

Ken Topping: would like clarification on Tract Map finding G with Ms. McDonald stating she would research.

Brian Pedrotti, Project Manager: continues on with showing changes to CEQA findings and Pg. 128 of 139 "Alternatives".

Commissioners: discuss being uncomfortable with condition changes made without their prior review with Ms. McDonald from County Counsel responding.

Mona Ebahimi, legal counsel for applicant: Comments on the following issues of concern: condition changes as submitted at today's hearing; clarifies the 1,522 vs approximately 1800 acres to be placed in open space; Well 11 dates of use conditioned; secondary access; request to require applicant to retain a letter from Cal Trans; clarifies the applicant has legal access; adequate notice of changes proposed in terms of Brown Act violations.

Commissioners: ask the applicant's legal representative what number of lots are requested 102 as originally proposed or 83 as a result of a straw vote agreed to by the Commission with Ms. Abrahimi responding.

Don Campbell: states in the interest of time he will move on to Public Comment and will further consider the applicants request until another hearing. Opens Public Comment.

James Toomey: speaks.

James Harrison: addresses Mr. Toomey's Public Comment.

Debbie Peterson, and Tina Retance, : speak.

Thereafter on **Motion by:** Jim Irving, **Second by:** Ken Topping, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission agrees to hold the meeting past 5:00 PM.

Bill Robeson, Exec. Director: states the earliest date for a continuance is February 11, 2016.

Ken Topping: would like to receive all materials discussed to date in advance of the February 11th hearing.

Jim Irving: asks Mr. Thrupp if the use of well 11 is effecting stream flow of Los Berros Creek.

Gordon Thurpp, Hydrologist: states the use of well 11 is effecting stream flow of Los Berros Creek and comments on eluvial flow and provides further reasoning.

Brian Pedrotti, Project Manager: would like direction from the Commission on 83 or 102 lots with the



commission deliberating they prefer 83, and Comm. Harrison stating he is in favor of 102 lots.

Commissioner: suggest to staff to proceed as though the 83 lots were the ones agreed upon with Steve McMasters responding. Commissioners Irving, Topping and Chairman Campbell all report they would like to see the red line changes for 83 lots in print.

Thereafter on **Motion by:** Jim Irving, **Second by:** Ken Topping, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James		x		
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission continues this item to February 11, 2016.

Thereafter on **Motion by:** Jim Irving, **Second by:** Ken Topping, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission accepts all correspondence and testimony entered into the record.

Thereafter on **Motion by:** Jim Irving, **Second by:** Ken Topping, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James		x		
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission adjourns to the next regularly scheduled meeting on January 28, 2016.

#### **ADJOURNMENT: 5:24**

Respectfully submitted,  
 Ramona Hedges, Secretary  
 San Luis Obispo County Planning Commission

**Minutes approved at the xx/xx/xx Planning Commission meeting.**

